

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.06.2007

C O R A M :

THE HONOURABLE MR.A.P.SHAH, THE CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE P.JYOTHIMANI

W.P.No.12972 of 2007

Prof. Dr. S. Anandalakshmy
Convenor
Concerned Citizens' Committee, Chennai
Hussaina Manzil, III Floor
255 (Old No.123) Angappa Naicken Street
Chennai 600 001. Petitioner

-vs-

1. Government of India
rep. By Secretary
School Education and Literacy
Ministry of Human Resources Development
South Block, New Delhi 110 001.
2. Secretary
Central Board of Secondary Education
Shiksha Kendra
2, Community Centre
Preet Vihar
New Delhi 110 092.
3. Joint Secretary
Central Board of Secondary Education
Southern Region, Plot No.1630-A
J-Block, 15th Main Road
Anna Nagar West, Chennai.
4. Government of Tamil Nadu
rep. By its Secretary
Department of School Education
Fort St. George
Chennai 600 009.
5. The Association of CBSE Schools
rep. By its President
Sahodaya School Complex
Kla Perumal Chetty Vaishnava Senior
Secondary School, 815 Periyar EVR Salai
Chennai 600 016.

- 6.D.A.V. Boys Senior Secondary School
rep. By its Correspondent
212/213, Loyds Road
Gopalapuram, Chennai 600 086.
- 7.D.A.V. Girls Senior Secondary School
rep. By its Correspondent
212/213, Loyds Road
Gopalapuram, Chennai 600 086.
- 8.D.A.V. Senior Secondary School
rep. By its Correspondent
Plot No.R.45, 120 Feet Road
Mogappair, Anna Nagar West Extn.
- 9.P.S. Senior Secondary School
rep. By its Correspondent
No.33, Alamel Mangapuram
Mylapore, Chennai 600 004.
- 10.Padma Seshadri Bala Bhavan
Nungambakkam (Main)
No.15, Lake I Main Road
Nungambakkam, Chennai 600 034.
- 11.Padma Seshadri Bala Bhavan
No.29 Alagirisamy Salai
K.K. Nagar, Chennai 600 078.
- 12.Master G. Sooryanarayanan
rep. By his father & Natural guardian
K.N. Gopalakrishnan.
- 13.Master R. Dheeraj
rep. By his father & Natural guardian
S. Ravi.
- 14.Master S. Ashwin Rajeev
rep. By his father & Natural guardian
V. Shankar.
- 15.Ms. M. Anusya
rep. By her father & Natural guardian
S. Murali.
- 16.Ms. R. Vidhya
rep. By her father & Natural guardian
K. Ramaswamy.
- 17.Master G. Parthiban
rep. By his father & Natural guardian
P. Gurusamy.

18. Master G. Venkatesh
rep. By his father & Natural guardian
S. Guruprasad.
19. Ms. Oishee Sarkar
rep. By her father & Natural guardian
Manish Sarkar.
20. S. Swetha Minor
rep. By her father & Natural guardian
T.S. Srinivasan.
21. K. Gautham Srinivasa Minor
rep. By his mother & Natural guardian
Revathi Kumar
22. K.V. Nandhan Minor
rep. By his father & Natural guardian
S. Venugapalan.
23. Mahati Kumar Minor
rep. By his father & Natural guardian
N.G. Kumar.
24. Aditya Rangarajan Minor
rep. By his father & Natural guardian
M. Rangarajan.
25. K. Sriteja Minor
rep. By father & Natural guardian
K. Sailendra Kumar.
26. C. Pradeepchander Minor
rep. By his father & Natural guardian
R. Chandramouli
27. G. Vageesh Minor
rep. By his father & Natural guardian
S. Govindan.
28. V. Sreevatsan Minor
rep. By his mother & Natural guardian
V . Jayalakshmi.
29. Abhinand Mohan Minor
rep. By his mother & Natural guardian
Vijayalakshmi Mohan.
30. Chellam Priyadarshini Minor
rep. By her father & Natural guardian
N. Ramakrishnan.
31. S. Sabarinath Minor
rep. By his father & Natural guardian
K. Selvam.

- 32.C. Divya Minor
rep. By her father & Natural guardian
S. Chandramouli.
- 33.Satyajeet Mohanty Minor
rep. By his father & Natural guardian
R.K. Mohanty.
- 34.V. Prashant Minor
rep. By his father & Natural guardian
R. Vasudevan.
- 35.S. Mithraa Varun Minor
rep. By his father & Natural guardian
V. Sriraman.
- 36.S. Prasanth Minor
rep. By his mother & Natural guardian
S. Chayadevi.
- 37.Niranjana Chellappa Minor
rep. By her mother & Natural guardian
Saroja Chellappa.
- 38.K. Ramakrishnan Minor
rep. By his father & Natural guardian
N. Kalyana Sundaram. Respondents

RR 5 to 11 impleaded as per order
dated 11.4.2007 in M.P.No.2 of 2007 in
WP No.12972 of 2007 DMJ

RR 12 to 19 impleaded as per order
dated 4.6.2007 in MP Nos. 4 to 11 of 2007
in WP No.12972 of 2007 CJ and PJMJ

RR20 to 38 impleaded as per order
dated 12.6.2007 in M.P.Nos.12 to 30 of 2007
in WP No.12972 of 2007 CJ and PJMJ

Writ Petition filed under Article 226 of the Constitution
of India praying to issue a Writ of Mandamus as stated
therein.

For petitioner

:: Ms. D. Nagasaila
for Mr. N.G.R. Prasad

For respondents .. Mr. P. Wilson for R.1
Asst. Solicitor General

Mr. G. Nagarajan for R.2 & R.3

Mr. M. Sekar for R.4
Spl. Govt. Pleader (Education)

Mr. R. Venkata Varadha for R.6 to R.8

Mr. K. Harishankar for R.9

Mr. Satish Parasaran for R.10 to R.19

Mr. Ganesan for R.20 to R.38.

Mr.M.Baskaran, For R5.

ORDER

(MADE BY P.JYOTHIMANI,J.)

This writ petition is filed as Public Interest Litigation, seeking Writ of Mandamus against the respondents, which are all the Schools affiliated to Central Board of Secondary Education (in short, "CBSE"), to implement the direction of the Supreme Court in *Principal, Cambridge School vs. Payal Gupta* reported in 1995 (5) SCC 512, to ensure that all students of class X are admitted to class XI in the same School.

2. After giving notice by this Court, the Government of India as well as the CBSE and some of the Schools affiliated to CBSE, particularly D.A.V. Boys Senior Secondary School, Gopalapuram, D.A.V. Girls Senior Secondary School, Gopalapuram, D.A.V. Senior Secondary School, Mogappair, P.S. Senior Secondary School, Mylapore, Padma Seshadri Bala Bhavan, Nungambakkam and Padma Seshadri Bala Bhavan, K.K. Nagar have appeared through their counsel. Students 27 in number, who have not been admitted in the same School where they have studied their X Standard have also got impleaded themselves in the writ petition.

3. After perusing the guidelines suggested by the Ministry of Human Resources Development, New Delhi, regarding admission to Class XI in CBSE Schools in Tamil Nadu, this Court by order dated 27.04.2007, has issued the following criteria to be followed by CBSE Schools, they are,

"1. The academic session in schools affiliated to CBSE is from 1st April of the current year to 31st March of the next year. The schools affiliated to CBSE do make

provisional admission of students for class XI before the announcement of class X Board examination results. There is merit in this practice because the new academic year commences from the 1st of April. Since results of class X Board examination are usually declared only in the last week of May, if schools wait till the declaration of class X Board examination results they will not be able to utilize the period before summer vacation for instructional purposes. So there is a very strong academic reason to make provisional admission of students in class XI before the new academic year commences. This will enable schools to utilize the entire month of April and first part of May for instructional purposes. This is also a sound practice because the syllabus of class XI in each subject requires on the average at least 180-200 periods of classroom transaction. If schools and students wait for the result of class X Board examination to be declared, the students will be put to a disadvantage since they will be required to rush their learning which is pedagogically not advisable.

2. Schools can admit students provisionally in class XI on the basis of their performance in class IX and X subject to their passing class X Board examination and meeting the required standard of performance in different subjects. This process should be carried out in a transparent manner. Once the students are admitted to class XI with a particular combination of subjects, they should not be forced to change their subjects after the declaration of results of class X Board examination. However change of subjects is permitted on the request of the concerned students/parents. CBSE has given very clear instructions in this regard vide circular no.CE/PA/2006/10984-17984 dated 30th March, 2006.

3. The admission of students in class XI should be based on a clear rationale and it should be transparent. The following criteria and norms have to be followed by schools in all matters of admission to class XI:

(a) Admission of a student from class X to class XI within the same school should not be treated as a fresh admission but only as continuation of the original admission done in that school. So issuing transfer certificate to class X students within the same school and readmitting them to class XI is against the

rules.

(b) All the students of the same school who have qualified in class X Board examination should be offered admission in class XI as far as possible subject to the availability of seats. Students from other schools may be considered for admission after accommodating the students of their own school.

(c) Every student cannot be given his or her choice of subjects because of the various limitations such as number of seats available, number of sections in class XI etc. However, the choice of students along with their performance in class X Board examination should be considered for allotment of different subjects.

(d) No admission test should be conducted by schools for their own students. After admitting their own students if there are still vacancies, they may be filled either on the basis of the class X Board examinations or by conducting an admission test for the students who are from other schools.

(e) No school should prescribe any cut off marks for admission to class XI or for allotment of subjects."

4. After the said directions and guidelines issued by this Court, the matter was heard at length in respect of solving the problems meted out to the students in this academic year, viz., 2007-2008. We heard the respective counsel, including the CBSE, who have fairly agreed to accommodate those students who have been denied chance of continuation in the same School in this academic year, and ultimately when the matter came up today, the learned counsel appearing for CBSE Board Mr. G.Nagarajan, has submitted that on individual verification of each of the students, who were not able to be accommodated in the same Schools due to the earlier practice, efforts were taken and ultimately those students were accommodated in various schools. We are informed that there is no complaint of any student having lost his chance of continuing the XI Standard in CBSE stream in this academic year. The learned counsel for the CBSE would also fairly submit that even if such problem arises in future in respect of 2007-2008, the same will be sorted out. In view of the above said position and placing on record our appreciation and co-operation by the learned counsel appearing for various schools and also the Union of India as well as the CBSE Board, the writ petition is to be closed.

5. It is made clear that as concluded by the Supreme Court in 1995 (5) SCC 572 (cited supra), the students who have studied X Standard in the School are entitled to continue their XI Standard studies without any fresh selection process. The CBSE Board has also made it very clear that the CBSE instructions in the circular issued by it on 30.03.2006 are on the same line. We direct all the CBSE schools in the State of Tamil Nadu to scrupulously follow the circular issued by CBSE from the academic year 2008-2009 onwards in respect of admission of students from X Standard to XI Standard by following the criteria and norms as stated below.

(a) Admission of a student from class X to class XI within the same school should not be treated as a fresh admission but only as continuation of the original admission done in that school. So issuing transfer certificate to class X students within the same school and readmitting them to class XI is against the rules.

(b) All the students of the same school who have qualified in class X Board examination should be offered admission in class XI as far as possible subject to the availability of seats. Students from other schools may be considered for admission after accommodating the students of their own school.

(c) Every student cannot be given his or her choice of subjects because of the various limitations such as number of seats available, number of sections in class XI etc. However, the choice of students along with their performance in class X Board examination should be considered for allotment of different subjects.

(d) No admission test should be conducted by schools for their own students. After admitting their own students if there are still vacancies, they may be filled either on the basis of the class X Board examinations or by conducting an admission test for the students who are from other schools.

(e) No school should prescribe any cut off marks for admission to class XI or for allotment of subjects."

The writ petition is closed with the above directions.
No costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

kh
To

- 1.The Secretary
Government of India
School Education and Literacy
Ministry of Human Resources Development
South Block, New Delhi 110 001.
2. The Secretary
Central Board of Secondary Education
Shiksha Kendra
2, Community Centre
Preet Vihar
New Delhi 110 092.
3. The Joint Secretary
Central Board of Secondary Education
Southern Region, Plot No.1630-A
J-Block, 15th Main Road
Anna Nagar West, Chennai.
- 4.The Secretary
Government of Tamil Nadu
Department of School Education
Fort St. George
Chennai 600 009.
- 5.The President
Association of CBSE Schools
Sahodaya School Complex
Kla Perumal Chetty Vaishnava Senior
Secondary School, 815 Periyar EVR Salai
Chennai 600 016.
- 6.The Correspondent
D.A.V. Boys Senior Secondary School
212/213, Loyds Road
Gopalapuram, Chennai 600 086.

7.The Correspondent

D.A.V. Senior Secondary School
Plot No.R.45, 120 Feet Road
Mogappair, Anna Nagar West Extn.

8.The Correspondent

P.S. Senior Secondary School
No.33, Alamel Mangapuram
Mylapore, Chennai 600 004.

9. Padma Seshadri Bala Bhavan

Nungambakkam (Main)
No.15, Lake I Main Road
Nungambakkam, Chennai 600 034.

10.Padma Seshadri Bala Bhavan

No.29 Alagirisamy Salai
K.K. Nagar, Chennai 600 078.

+1cc to Mr.P.B.Ramanujam, Advocate Sr 38407
+1cc to Mr.Satish Parasaran, Advocate Sr 38103
+1cc to Mr.Srinath Sridevan, Advocate Sr 37334
+1cc to Mr.R.Venkatavaradhan, Advocate Sr 37628
+1cc to Mr.P.Wilson, Advocate Sr 37493

VRK (CO)
km/6.7.

W.P.No.12972 of 2007

सत्यमेव जयते

WEB COPY